

REMARKS

I. Introduction

Claims **19, 23, 26, 28-29, 49, 53-81, and 84-94** are currently pending in the present application. Claims **19, 49, 53, 64, 72, 76, 80-81, 84, and 90** are independent.

All pending claims stand *solely* rejected under grounds of alleged non-statutory double patenting, over claims of U.S. Patent No. 6,138,106 (hereinafter “Walker”). Office Action, pg. 2, last paragraph.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the remarks provided herein and in accordance with 37 C.F.R. §1.112.

II. Interview Summary

Initially, Applicants thank Primary Examiner Havan for speaking with Applicants’ undersigned representative on June 26, 2008 (hereinafter the “Interview”). In the Interview, Applicants’ representative requested clarification as to why the previous indication of imminent allowance had not yet come to fruition. The Examiner indicated that she was directed to explore potential double patenting grounds of rejection prior to being permitted to allow the present application and that upon presentation of a convincing argument rebutting double patenting, that the application should be in condition for allowance.

Applicants present herein, in writing, reasons why the current ground for non-statutory double patenting should be withdrawn. The Examiner appeared to be convinced by these arguments in the Interview. Should the Examiner develop any new concerns regarding the present application that may yet further postpone allowance, however, Applicants respectfully request that the Examiner contact Applicants’ undersigned representative in an attempt to more speedily conclude prosecution of the present application, which has been ongoing now for more than 7 ½ years.

In light of the remarks presented herein, and in accordance with the scope and content of the Interview, Applicants respectfully request that the non-statutory double patenting grounds for rejection of all pending claims be withdrawn.

III. The Examiner's Non-Statutory Double Patenting Ground for Rejection

All pending claims stand *solely* rejected under grounds of alleged non-statutory double patenting, over claims of Walker. Applicants respectfully traverse this ground for rejection as follows.

Applicants respectfully note that Walker describes a system where a product (*i.e.*, a gift certificate) is provided to a consumer, and where the **value of the product is concealed**.

In contrast, in the pending claims, the **value of the product is known** and it is instead the identity of the product itself that is concealed. Hence the term: “mystery product”.

There is no evidence of record that Walker teaches, suggests, or renders obvious the concept of providing a “mystery product” to a consumer.

Accordingly, the Examiner has failed to set forth a *prima facie* case for non-statutory double patenting. At least for this reason, Applicants respectfully request that the non-statutory double patenting grounds for rejection of all pending claims be withdrawn.

IV. Conclusion

At least for the foregoing reasons, and at least because no valid ground for rejection of any claim stands on the record, it is submitted that all pending claims are in immediate condition for allowance, *or in form for appeal*, and the Examiner's early re-examination and reconsideration are respectfully requested.

If there remain any questions regarding the present application the Examiner is cordially requested to contact Carson C.K. Fincham at telephone number 203-461-7017 or via e-mail at cfincham@walkerdigital.com, at the Examiner's convenience.

V. Fees and Petition for Extension of Time to Respond

While no fees are believed to be due at this time, please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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